UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Civil No.: 03-6397 (MJD/JJG)

MN CEMENT MASONS AND PLASTERERS FRINGE BENEFIT FUNDS

Plaintiff,

v. ORDER

THEMESCAPES, INC.,

Defendant.

The Court having been advised that the above action has settled,

IT IS HEREBY ORDERED that this action is dismissed with prejudice, the Court retaining
jurisdiction for 30 days to permit any party to move or reopen the action, for good cause
shown, or to submit and file a stipulated form of final judgment, or to seek enforcement of the
settlement terms.

Dated: June 12, 2006

s / Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge